



# San Joaquin River Group

DKR

- Modesto Irrigation District
- Turlock Irrigation District
- South San Joaquin Irrigation District
- San Joaquin River Exchange Contractors

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- Merced Irrigation District
- Oakdale Irrigation District
- Friant Water Users Authority
- City and County of San Francisco

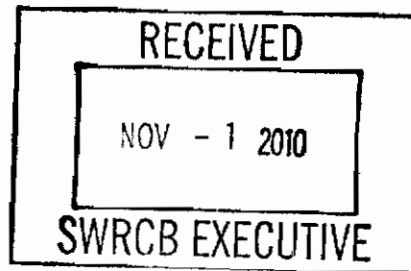
October 28, 2010

DWR

Charlie Hoppin  
State Water Resources Control Board  
1001 I Street  
PO Box 2815  
Sacramento, CA 95812-2815

Re: *SJR Flow*

Dear Mr. Hoppin:



At the CV Salts meeting, SWRCB staff stated the Board was only going to give the parties thirty days to review the technical report, coordinate with other parties, and provide comments. This is entirely too little time and you know it. Thirty days after October 29, 2010, the date we have heard the report will be released, is November 30, 2010, the Tuesday after Thanksgiving. With many schools now taking the entire week off, many families now also take the week off. The report will be issued on Friday and, if consistent with typical release times, Friday after 5:00 p.m. This will give the SJRGA only three weeks, rather than four, to review the report, confer with clients, engage experts, have experts review the report, and prepare comments. If the SWRCB wants good information, this is not the way to get it. I don't want to use the word "railroad," but it does come to mind. If this is going to be a serious, thorough process, then we should treat it as such.

The SWRCB has stopped and started this process numerous times over the last two years. The entities I represent are involved in numerous proceedings throughout the State from BDCP, Delta Stewardship, OCAP-BO, SJR Restoration, etc. The SWRCB expects us to drop everything else we have been doing (and are doing) and respond to a report, out of the blue, from the Board. If the report was of little or no importance, then one could understand such a position. Our understanding is this report will form the basis for the Board's criteria to establish flow and salinity objectives on the San Joaquin River. These will be criteria upon which the SWRCB will consider the evidence and perform its legislative duty; hardly a matter to be treated in this manner.

Also, we hear the SWRCB is thinking of doing panels for the workshop. We totally oppose the idea and concept. We prefer that each party to the proceedings be allowed to say what it wants



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to say. Also, we think parties, and not the Board or staff, should be allowed to ask questions—say, 3-5 per witness or party.

We renew our previous request that the workshop not be held on December 15-16, 2010, due to the conflict regarding Judge Wanger's hearing on the cross-motions for summary judgment in the OCAP-BO Salmon cases. The SWRCB has historically waited for biological opinions so it can develop a consistent plan. Waiting for the ruling on the cross-motion for summary judgment is no different. It made sense then and it makes sense now.

Very truly yours,  
**O'LAUGHLIN & PARIS**

By:

  
TIM O'LAUGHLIN  
Attorney for SJRGA

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